



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 1 2005

THE ADMINISTRATOR

Governor Sonny Perdue  
Governor of Georgia  
Georgia State Capitol  
Atlanta, GA 30334

Re: Emergency Fuel Waiver Concerning Georgia Gasoline Sulfur Requirements, September 2005

Dear Governor:

The Georgia Department of Natural Resources ("GDNR") has informed the United States Environmental Protection Agency ("EPA") that Hurricane Katrina has caused a shortage of gasoline that meets the low Reid Vapor Pressure (RVP) and low sulfur requirements of Georgia's federally-approved state implementation plan (SIP) that covers the 45-county Atlanta-area market. See 67 Fed. Reg. 8200. The State of Georgia has exercised its enforcement discretion to allow the importation, distribution and sale of gasoline that does not meet the low RVP and low-sulfur requirements of Georgia's federally-enforceable SIP, and has requested that EPA waive federal enforcement of these provisions of this SIP until midnight on September 15, 2005.

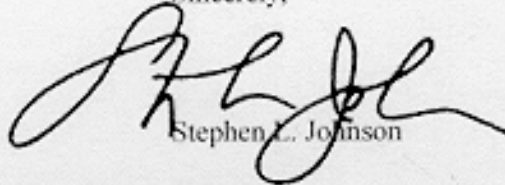
The EPA, in consultation with the Department of Energy, has been working to evaluate the prospect of gasoline and diesel fuel supply problems being experienced in many states as a result of Hurricane Katrina. Based on this evaluation, EPA has decided to take the following actions to minimize or prevent supply disruptions of gasoline and diesel fuel.

I have determined that an "extreme and unusual fuel supply circumstance" exists that will prevent the distribution of an adequate supply of compliant fuel to consumers. CAA § 211 (c)(4)(C). This fuel circumstance is the result of Hurricane Katrina, a natural disaster, that could not reasonably have been foreseen or prevented and not attributable to a lack of prudent planning on the part of the suppliers of the fuel to the affected States. *Id.* Furthermore, I have determined that it is in the public interest to grant this waiver. Yesterday, I waived the low RVP requirements in Federally-enforceable SIPs. Today, pursuant to Section 211(c)(4)(C) of the Clean Air Act, EPA will also temporarily waive the low sulfur requirements of Georgia's Federally-approved SIP. This waiver is effective immediately and will continue through midnight on September 15, 2005. However, retail outlets or wholesale purchaser-consumers that receive fuel under the terms of this waiver may continue selling or dispensing this fuel after September 15, 2005, until their supplies are depleted.

To the extent practicable, regulated parties must take all reasonable steps to distribute and sell on-hand inventories of gasoline that meets the low RVP and low-sulfur requirements of Georgia's federally-enforceable SIP. Thus, regulated parties that distribute and sell gasoline must use fuel that would meet the normal standards and that is available, before using any fuel covered under this waiver.

If you have questions, please call Adam M. Kushner at 202-564-2260.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. L. Johnson', written over the printed name.

Stephen L. Johnson

cc: Secretary Samuel W. Bodman, Department of Energy